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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/988,047	11/16/2001	Tetsuro Shida	0925-0188P 7943		
2292	7590 07/07/2006		EXAMINER		
BIRCH STEWART KOLASCH & BIRCH			JONES, HEA	JONES, HEATHER RAE	
PO BOX 747 FALLS CHURCH, VA 22040-0747		ART UNIT	PAPER NUMBER		
111223 01101	,		2621		
•			DATE MAILED: 07/07/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/988,047	SHIDA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Heather R. Jones	ļ.			
The MAILING DATE of this communication app		2621			
Period for Reply	•				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period was reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 16 No.	Responsive to communication(s) filed on <u>16 November 2001</u> .				
	, —				
• —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) <u>1-12</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) <u>1,2,7 and 8</u> is/are rejected. 7) Claim(s) <u>3-6 and 9-12</u> is/are objected to. 8) Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on 16 November 2001 is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	re: a) \square accepted or b) \boxtimes object drawing(s) be held in abeyance. Section is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary				
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/16/2001. 	Paper No(s)/Mail D				

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DETAILED ACTION

Drawings

1. Figure 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (U.S. Patent 6,934,818).

Regarding to claim 1, Okada discloses an MPEG data recorder comprising: an interface means for receiving a data packet from a digital transmission line transmitting MPEG data in real time, and extracting a predetermined MPEG data from a received packet to output it as a data signal (col. 1, lines 49-55; col. 3, lines 54-62; col. 13, lines 61-65); a data rate detector means for determining a data rate of MPEG data based on a valid data signal is outputted data period, during which the from the interface means; and a recording mode selector means for selecting a recording mode based on the determined data rate (col. 12, lines 45-67).

Regarding claim 2, Okada discloses all the limitations as previously discussed with respect to claim 1 including that the interface means outputs a transmission control signal when the interface means outputs a data signal; and the data rate detector means determines a percentage occupied by the valid data period, by detecting the transmission control signal (col. 12, lines 45-59).

Regarding claim 7, Okada discloses all the limitations as previously discussed with respect to claim 1 including that the interface means is an IEEE 1394 interface unit, which performs an isochronous communication through an IEEE 1394 link, and the interface means extracts MPEG data of a predetermined channel from the received packet (col. 1, lines 49-55; col. 3, lines 54-62; col. 13, lines 61-65).

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Regarding claim 8, grounds for rejecting claim 7 apply for claim 8 in its entirety.

Allowable Subject Matter

- 5. Claims 3-6 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest an MPEG data recorder comprising:
 - a. An interface means that outputs a data signal as an MPEG packet having a predetermined amount of data, and outputs a synchronizing signal in synchronization with the MPEG packet; and a data rate detector means that counts the synchronizing signals outputted in a predetermined duration (claims 3, 9, and 12).
 - b. A data rate detector means that adds up valid data periods in a predetermined period for detection including two or more valid data periods, and detects the data rate of MPEG data based on the added-up value (claims 4, 5, and 6).
 - c. A data rate detector means that adds up valid data periods in a predetermined period for detection including two or more isochronous cycles, and detects the data rate of MPEG data based on the added-up value (claims 10 and 11).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones Examiner Art Unit 2621

HRJ June 13, 2006 PRIMARY EXAMINER